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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,928	10/22/2001	Steven M. Knowles	10765-015001	8524

26171 7590 12/16/2003
FISH & RICHARDSON P.C.
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11TH FLOOR
WASHINGTON, DC 20005-3500

EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,928

Applicant(s)

KNOWLES, STEVEN M.

Examiner

Ryan M Flandro

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-10,12 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-10, 12 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

2. Applicant is advised that claim 13 was previously cancelled in paper no. 11 and is listed as such on page 4 of the instant amendment (paper no. 14). As such, the claim listed as claim 13 in the amendment is treated as a new claim and renumbered claim 41 in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claim 13 been renumbered 41.

3. Claim 41 is objected to because of the following informalities: the claim recites the limitation "a surface of the socket" in the second to last line of the claim. There is insufficient antecedent basis for this limitation in the claim because no socket is previously recited in claim 41. This objection may be overcome by referring to the socket as "the receiving member" in accordance with previous recitation of this feature within the instant claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. Claims 1, 7-10, 12 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Coutu (US 1,914,736).

a. Claim 1. Coutu clearly shows and discloses a flexible joint assembly (assembly of ball and socket joints shown in figures 2 and 3, connection **14** being threadedly connected to connection **14a**) for conducting a fluid comprising a joint assembly inlet **2**, a joint assembly outlet **2**, a fluid flow path between the inlet **2** and the outlet **2**, the fluid flow path including a first pivot joint (figure 2, either side), a second pivot joint (figure 3), wherein each of the first pivot joint (figure 2) and second pivot joint (figure 3) independently comprises a ball and socket joint, where each ball and socket joint comprises a socket **1**; a ball **13 or 13a** received in the socket **1**; a seal **5,11** between the ball **13 or 13a** and the socket **1**, and each ball and socket joint further comprises a compressing member **9** axially compressing the seal **5,11** between the ball **13 or 13a** and the socket **1** and a retaining ring **8** compressing the seal **5,11** between the ball **13 or 13a** and the socket **1**; and a central fluid conductor **16** (at connection between **14 and 14a**) fluidly coupling the pivot joints (figures 2 and 3) wherein the central fluid conductor couples to a first ball **13a** of the first pivot joint (figure 2) and a second ball **13** of a second pivot joint (figure 3), and each retaining ring **8** compresses the seal **5,11** by threadedly connecting to a surface of the socket **1** adjacent to the central fluid connector **16**, wherein the pivot joints together provide greater than a 60 degree bend between the inlet **2** and the outlet **2** and each pivot joint independently provides greater than a 35

degree bend in the fluid flow path (see figures 2 and 3; column 1 lines 48-50; columns 2-3).

b. Claim 7. Coutu further shows and discloses the first pivot joint (figure 2) and the second pivot joint (figure 3) together (via threaded union of **14 and 14a**) provide a substantially 90 degree bend between the inlet **2** and the outlet **2** (see figures 2 and 3).

c. Claim 8. Coutu further shows and discloses said central fluid conductor **16** (at union of **14 and 14a**) being unitary.

d. Claim 9. Coutu further shows the central fluid conductor **16** being shorter than 10 centimeters (see figures 2 and 3).

e. Claim 10. Coutu shows and discloses the joint assembly inlet **2** and the joint assembly outlet **2** include a fitting (see figures 2 and 3).

f. Claim 12. Coutu lastly shows and discloses each pivot joint (figures 2 and 3) independently provides greater than a 40 degree bend in the fluid flow path (see figures 2 and 3).

g. Claim 41 (new). Coutu clearly shows and discloses a flexible joint assembly (assembly of ball and socket joints shown in figures 2 and 3, connection **14** being threadedly connected to connection **14a**) comprising a joint assembly inlet **2**; a joint assembly outlet **2**; and a fluid flow path between the inlet **2** and the outlet **2**, the fluid flow path including a first pivot joint (figure 2, either side); a second pivot joint (figure 3); and a central fluid conductor **16** (including connection between **14 and 14a**) coupling the pivot joints, each of the first pivot joint (figure 2) and second pivot joint (figure 3) including an inner member **13 or 13a**; a receiving member **1** dimensioned to pivotally

receive at least part of the inner member **13 or 13a**; a sealing member **5** between the inner member **13 or 13a** and the receiving member **1**; a supporting member **11** supporting the sealing member **5** substantially uniformly over the entire length of the seal **5** between the inner member **13 or 13a** and the receiving member **1**; and a retaining ring **8** compressing the seal **5** by threadably connecting to a surface of the [receiving member?] **1** adjacent to the central fluid connector **16** (see figures 2 and 3; column 1 lines 48-50; columns 2-3).

Response to Arguments

5. Applicant's arguments filed 9/22/03 with regard to the rejection of amended claims 1, 7-10 and 12 under Coutu have been fully considered but they are not persuasive. Specifically, Applicant's argument that Coutu does not disclose a retaining ring compressing a sealing member by threadably connecting to a surface of the socket adjacent the central fluid connector is without merit. As pointed out in the rejection above, Coutu does in fact clearly show a retaining ring **8** that compresses a seal **5,11** by threadably connecting to a surface of the socket **1** adjacent the central fluid connector **16** (see above).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RMF


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670